

## REMARKS/ARGUMENTS

After amendment, the pending claims are 1, 73-76, 79, and 82-139. Claims 77, 78, and 80 are canceled, without prejudice, as being drawn to non-elected subject matter. Applicants reserve the right to prosecute any non-elected subject matter, including these canceled claims, in a divisional application filed during the pendency of the present application.

Claim 81 is amended to refer to the peptide of claim 1. However, in view of the Examiner's restriction, Applicants have withdrawn claim 81, without prejudice. As noted by the Examiner, once the peptide claims are found allowable, Applicants will re-present the subject matter of withdrawn claim 81.

Claims 1 and 85 are amended to clarify the invention. Support for these amendments is found in the original claims and specification and specifically on page 6, line 12 through page 12, line 3. No new matter is added by these amendments.

New claims 89-139 are added to recite examples of the peptides of claim 1 and multiple peptide compositions of claim 73. Support for these new claims is found in the original claims and specification and specifically on page 6, line 12 through page 7, lines 5-11; page 7, lines 13-14; page 7, line 20; page 8, lines 1-17; page 8, line 19; page 8, lines 21-28; page 8, line 29 through page 9, line 17; page 9, lines 21-25; page 10, lines 5-8; page 10, lines 17-24; page 11, line 18 through page 12, line 2; page 24, lines 1-12; page 24, line 20 through page 25, line 27; page 26, lines 11-12; page 26, line 17 through page 28, line 9; page 28, lines 14-19; and in the abstract. No new matter is added by these new claims.

**Restriction Requirements**

- (i) The Examiner has required restriction between the pending claims and has grouped the claims into the four (4) groups set forth on page 3 of the Office Action.

In an effort to comply with the requirement to elect the claims of one (1) invention, Applicants have elected the claims of Group I. Applicants have reserved the right to prosecute the inventions of Groups II-IV in one or more divisional applications filed during the pendency of the present application.

- (ii) The Examiner has required restriction between the product and process claims.

The Examiner has asserted that if the product claims are found allowable, withdrawn process claims that depend therefrom will be rejoined if presented prior to final rejection or allowance, whichever is earlier.

Applicants have amended, but withdrawn claim 81, which is drawn to a method of treating a mammalian infection. Applicants understand that if the product claim of claim 1 is found allowable, the Examiner will rejoin claim 81 when re-presented prior to final rejection or allowance.

#### **Examiner's Comment Regarding Hoffman**

The Examiner has asserted that Hoffman et al., (Biochim. Biophys. Acta., 1999, 1426:459-467) teaches a peptide consisting of the formula of SEQ ID NO: 1.

Applicants believe that Hoffman does not teach or suggest the pending claims.

#### **Inventorship**

Applicants confirm that the inventorship of this application is correct in view of the claim amendments, canceled non-elected claims and/or subject matter, and new claims.

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or credit any overpayment in any fees to our Deposit Account Number 08-3040.

Respectfully submitted,

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